(3) THE METTUR CANAL IRRIGATION CESS BILL, 1953.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I beg to introduce the Mettur Canal Irrigation Cess Bill[a], 1953, and move—

' *That the Bill be taken into consideration at once.*' "

* SRI VAVILALA GOPALAKRISHNAIAH :—" I move—

'*That the Mettur Canal Irrigation Cess Bill*, 1953, *be referred to a Select Committee.*' "

THE HON. SRI C. SUBRAMANIAM :—" Sir, the hon. Member cannot make it a habit of moving amendments to all Bills that they be referred to a Select Committee. He may change this attitude at least now onwards so that there may be a better atmosphere in the Andhra State Legislature."

* SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, I thank the Hon. Minister for his advice. However, whenever Government move any amendment they never consult anybody. So we are trying to have an opportunity of examining it at the Select Committee."

THE HON. SRI C. RAJAGOPALACHARI :—" A little while ago, we were about to accept the hon. Member's amendment. But the hon. Sri Viswanatham came in the way and suggested that it be made a Government amendment. What are we to do? "

SRI T. VISWANATHAM :—" Sir, I suggested the correct procedure only."

* SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, when the Bhavani Reservoir Irrigation Cess Act was passed, the Government said that the cess would be confined to that extent only. Now in this Mettur Canal Bill, the provisions in that Bill are made applicable. That is why we have some doubts and we want a clarification. For that reason only I move my amendment to send this to a Select Committee. As a matter of fact I am not completely aware of the implications. If the implications are made clear in the form of an explanation of objects and reasons or in an explanatory memorandum or some such thing, it would have been all right. The idea seems to be to have an enhanced taxation. I feel if the taxation is to be enhanced, that matter should be gone into thoroughly and therefore I suggest it is better to send it to a Select Committee."

SRI S. VEMIAH :—" I second the amendment, Sir."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, it is pity that my hon. Friend Sri Vavilala did not understand the correct position. This Bill aims at extending the provisions of the Bhavani Reservoir Irrigation Cess Act. That was very elaborately considered at the Select Committee. Now what is proposed in this Bill is to extend the provisions of that Act to the Mettur

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[Sri M. A. Manickavelu Naicker] [28th July 1953

canal. This scheme was started in 1949 and the scheme is to take the canal from the Mettur Reservoir to the districts of Salem and Coimbatore and it will irrigate about 7,500 acres of land and so we are fixing the same rate as we fixed for the Bhavani Reservoir Irrigation, because the lands are not different from those under the Bhavani Irrigation Scheme, the same kinds of crops are raised and all the conditions are similar. Therefore, we are extending the provision of that Act to the Mettur canal area. There is also provision for the rotation of crops just as in the other Act. So it is not a new feature. It is only an extension of the particular provisions of that Act to an enlarged area which will be brought under the Mettur canal irrigation. The hon. Member need not be frightened by the name ' Mettur '; because the water is taken from the Mettur canal, that name was given. About the rates, only the maxima are prescribed. The Government are not going to straightaway charge that in the first year. To begin with we are going to charge only half the rate of the maxima fixed.''

* THE HON. SRI C. SUBRAMANIAM :—'' May I also add, Sir, the people concerned are satisfied with the provisions and they are happy that the same conditions as prevail under the Bhavani Reservoir Scheme do prevail under the Mettur Canal Scheme also. So, on principle, the objects of the hon. Sri Vavilala cannot be sustained.''

* SRI VAVILALA GOPALAKRISHNAIAH :—'' Sir, I am happy that persons like the Hon. Sri Subramaniam are satisfied with the taxation and other things. But apart from it, I consulted my friends also who say that it is no concern of me. So, I have the least objection to withdraw my amendment.''

The amendment of Sri Vavilala Gopalakrishnaiah was, by leave, withdrawn.

MR. SPEAKER :—'' The question is—

' That the Mettur Canal Irrigation Cess Bill, 1953, be taken into consideration at once.' ''

The motion was put and carried.

Clause 2.

* SRI K. KRISHNA RAO :—'' Sir, I move—

' Insert *a new sub-clause under clause* 2—

'' (2) *In section* 2 *of the said Act*, for *the last proviso* substitute *the following* :—

' *Provided further that the rate of water cess charged under this Act shall be—*

not over Rs. 5 per acre in respect of lands to which irrigation from the canal is allowed, but which were not actually irrigated with water from the canal

not over Rs. 9 per acre in respect of lands irrigation to which is allowed from the canal and actually irrigated with water from the canal.' "

Sir, the principles underlying this Bill are not so simple as they are represented to be. There are two systems under the Mettur Reservoir. One is that particular area which is under the Bhavani Scheme. They have now constructed another canal. They want to impose certain irrigation charges upon these lands which are irrigated by the new canal, namely, the Mettur canal. Previously there was no separate bill for every anicut. For example, there was the Godavari anicut, Nagavalli anicut, the Krishna anicut and so on. There was an old Act under which water charge was fixed. They did not think of a separate bill for every area. Now under this particular canal they want to charge much more than what is applicable to other canals in the Tanjore area. That is, they want to make this canal yield much more. What are the reasons? They say, the capital cost is higher; they say, 'We are a set of "Chettiars", we are doing business, we are not a Government, we have incurred so much expenditure; therefore, we want to get this money from the ryots.' That seems to be the explanation which the Government are giving. That was what the British were saying. They were telling that ruling of India was a business for them. It was a profit and loss question for them and the people who said the contrary were arrested. Now, Sir, the position is different. Why don't the Government take another kind of attitude with regard to irrigation systems whatever may be the kind of project under which lands are irrigated. My point is same rate of water cess should be adopted for every project, whether it be in Srikakulam or in Tirunelveli. The Government are adopting particular rates of water cess to particular irrigation systems and so much so the ryots who have the misfortune to live in an area where the irrigation project will be costly, will be saddled with a much higher water rate than in the case of others who are more favourably situated. Considering it in terms of our Andhra for the irrigation projects in Rayalaseema the ryots there must bear a much higher water rate than the ryots, for example, in Godavari and Krishna deltas because the Godavari and the Krishna irrigation systems are cheaper while those in Rayalaseema will be costlier. Therefore what we are trying to do is we are penalizing those persons who have all along been putting up with dry crops and who after much agitation have got an irrigation project, because the cost is extra due to war. Therefore, Sir, I feel such a system must not be allowed to continue to be the policy of the Government, because it is the Andhras who are suffering on account of this policy. Let us take the hydro-electric schemes. Hydro-electric schemes are cheaper to operate while thermal electric schemes are costlier to operate and what happens is persons who take energy from the hydro-electric schemes get it cheaper while persons who take energy from the thermal electric schemes get it costlier. The same principle is applied to the irrigation systems also. I think it is an inequitable principle and it should not be allowed to continue.

10-40 a.m.

" Then, the Act says that the permission to cultivate must be got from the Collector. Do you expect the ordinary ignorant rustic from the village, with absolutely no knowledge of moving with Collectors, to go to a lawyer, write a petition and send it to the Collector? If he has not applied, he will not be allowed to cultivate and his land will not be included. Why do you put all these restrictions? So far as my information goes, similar restrictions do not operate under other projects. There is another peculiarity with regard to this particular project. When once the lands are included, whether the ryots take water or not, they will be taxed. This is a wonderful principle. For their sin of remaining in an area which is irrigated, whether the ryots take water or not, they will be taxed and that is the principle here. Therefore, let us begin to correct our errors and let people who take water alone be taxed. It is equitable.

" Then, Sir, there is a kind of opposition on the part of the ryots there to convert the dry lands into wet lands. The reason is the return is more in the case of crops like garlic than in the case of paddy. It looks as if the ryots are not inclined to convert the dry land into wet land. Then why put this compulsion at all? Therefore, the Government should not coerce the ryots to convert their dry lands into wet lands and then penalize them for not utilizing the water. In fact they will take water if it is convenient and advantageous to them. Sir, there are so many such inequitable sections and the provision with regard to the rates of tax should be altered and made more equitable."

The amendment was duly seconded.

* SRI S. RAMALINGAM :—" Mr. Speaker, I move—

' Add *the following new sub-clause* :—

" *In section* 2 *of the said Act, the second proviso shall apply subject to the following modifications* :—

The rate of water cess shall not exceed Rs. **15** *per acre for cotton, Rs.* 10 *per acre for paddy and Rs.* **5** *per acre for millets* ".'

Sir, my amendment is very simple. The Hon. Minister for Land Revenue while introducing this Bill said that the maxima proposed in the Act would not be levied immediately. I propose that the maximum should be restricted to Rs. 15 instead of Rs. 20 in the case of cotton, Rs. 10 instead of Rs. 15 in the case of paddy and Rs. 5 instead of Rs. 7–8–0 in the case of millets. If the Government want to increase the maximum at any time, they can come before the House and take its permission. I hope the Hon. Minister will accept my amendment."

SRI PILLALAMARRI VENKATESWARLU :—" Mr. Speaker, I second the amendment moved by my hon. Friend Sri S. Ramalingam."

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* SRI B. K. NALLASWAMI :—" Mr. Speaker, Sir, as one coming from the constituency which is benefited by this canal, I want to say a few words. Many of my Andhra friends and others who are interested in the Bill gave some amendments. But my constituency gets the benefit of both the Bhavani Sagar Canal and the Mettur Canal and I think the conditions of cultivation and the irrigation facilities are the same. When considering the Bhavani Irrigation Cess Bill, we considered the neighbouring Kalingaraya canal and those in Gobi taluk. Now, if my friend Mr. Ramalingam's amendment is accepted, that will be a great injustice to the other people who may feel that the Government is partial and discrimination is shown between others and the ryots of Mettur canal area. But there is some thing right in what Mr. Ramalingam said. The initial expenditure that the ryots have to incur in the first two or three years will be very high. I therefore request the Government to give them half-rate concession for at least three years to come because almost all the lands are going to be paddy cultivated which require good lot of amount to be invested, about 1,000 rupees per acre.

" Another point on which I want a clarification from the Hon. Minister for Land Revenue, is the ryots are thinking that they are getting water for irrigation of paddy cultivation only and not for other crops, as in the case of Bhavani Sagar Canal.

" A doubt arises in my mind whether there will be restriction of irrigation facilities and whether the ryots would be forced to cultivate millets, cotton or other commercial crops. I hope the Hon. Revenue Minister will clarify. This sort of restriction will cause considerable hardship to the poor ryot. Take for instance a simple case. Suppose a ryot cultivates paddy for this year. To ask him to resort to the cultivation of millets next year will entail hardship on the ryot. All along he would have been accustomed to paddy cultivation. He will be disappointed if he is asked to cultivate millet or cotton. Moreover it is absolutely necessary that he should be given proper notice regarding water-supply. Paddy cultivation requires much more water-supply than cotton or millet cultivation. So I would request the Hon. Revenue Minister to clarify whether all these 45,000 acres are going to be allowed to have paddy cultivation or whether they are going to do what they have done in the case of Lower Bhavani Project, viz., allowing 10,000 acres for paddy cultivation and 2 lakhs of acres for millet and cotton cultivation. If the ryots were to know previously that he should either cultivate paddy or millet, he may make his own initial arrangement. Therefore I would request the Hon. Revenue Minister to clarify the position."

10-50 a.m.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, the Godavari delta will become the sole concern of the Andhra Government that is shortly going to come. So the hon. Member Sri Krishna Rao need not worry too much. The Andhra Government would definitely take good care of Rayalaseema.

" Sir, so far as this Bill is concerned, water is going to be let out shortly for this season (1953–54) up to the 20th mile of the right side channel in the Coimbatore district. The channel would bring water from the Mettur Reservoir. The ryots who are going to be benefited are willing to pay the rates prescribed by us. After all our rates are not exorbitant. In fact some members of the Select Committee toured Bhavani and we had arrived at a unanimous conclusion. There was no difference of opinion against the members of the Select Committee. In the original Bill we have fixed the rates for cotton at Rs. 25 for paddy Rs. 18 and Rs. 10 for millets. Now in the present Bill we have reduced those rates as follows :—

Cotton, Rs. 20 (rupees twenty).

Paddy, Rs. 15 (rupees fifteen).

Millets, Rs. 7–8–0 (rupees seven and annas eight only).

Hon. Members may now see how reasonable these rates are. Moreover the ryots are willing to pay these prescribed rates. I do not know why when both the parties, I mean, the ryots and the Government, agree, hon. Members should butt in.

" I would like to mention one more important point. We are not going to collect the maximum rate at once. We have only fixed the maximum rates. Government will think of collecting the maximum rates only if conditions permit.

" The hon. Member Sri Nallaswami had some doubt whether ryots would be put to undue hardship due to restrictions being placed on paddy cultivation. The hon. Member had told that the present channel may irrigate about 45,000 acres. As far as my knowledge goes, the present channel up to the 20th mile will irrigate only 7,500 acres. With regard to fixing the rotation of crops, the Engineer concerned will look into the matter. Water-supply will be made available for the ryots both for wet as well as dry cultivation. I assure the hon. Member that due notice will be given to the concerned ryots whenever the Government decide on any rotation of crop at a later stage."

SRI B. K. NALLASWAMI :—" Sir, may I correct the Hon. Minister. Including the left and right wings, the channel when completed will irrigate 45,000 acres."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" At present up to the 20th mile the channel will irrigate only 7,500 acres. When the channel is extended further, it may irrigate some more acres.

" I do hope, Sir, that hon. Members will clearly see after having heard me that our rates are most equitable. The ryots have also agreed to pay according to our rates. I do hope the House will give its unanimous approval."

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* SRI PILLALAMARRI VENKATESWARLU :—" On a point of information, Sir. The Hon. Minister in explaining the Government stand, said that the Government were not going to charge the maximum rates now. In that case they can as well agree to the amendment given notice of by my friend Mr. Ramalingam. They may agree to his reduced rates. If and when they find at a later stage that the rates should be enhanced, they can come again to get the approval of this House. Instead of now requesting the sanction of the House for maximum rates, I think if the Government were to adopt the reduced rates indicated by Mr. Ramalingam and then come to the House for its enhancement in case they find it necessary later, that would be really very fair."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" All these things were considered thoroughly and an unanimous conclusion was arrived at, in the Select Committee."

MR. SPEAKER :—" I am going to put the amendments to the vote of the House. I want to know whether Mr. Krishna Rao is pressing his amendment."

SRI K. KRISHNA RAO :—" Yes, Sir."

MR. SPEAKER :—" The question is—

' *Insert* a new sub-clause under clause 2—

" (2) In section 2 of the said Act, for the last proviso substitute the following :—

' Provided further that the rate of water cess charged under this Act shall be—

not over Rs. 5 per acre in respect of lands to which irrigation from the canal is allowed, but which were not actually irrigated with water from the canal

not over Rs. 9 per acre in respect of lands irrigation to which is allowed from the canal and actually irrigated with water from the canal.' " '

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' *Add* the following new sub-clause :—

" In section 2 of the said Act, the second proviso shall apply subject to the following modifications :—

The rate of water cess shall not exceed Rs. 15 per acre for cotton, Rs. 10 per acre for paddy and Rs. 5 per acre for millets ".' "

The amendment was put and lost.

Clause 2 was put and carried.

Clause 1.

SRI S. VEMIAH :—" Sir, I move—

' For *the words* " *at once* " *in sub-clause* (3) *of clause* 1, substitute *the words* " *during fasli* 1364 *after one successful crop, not binding on those pattadars who own two acres and less* ".'

" My amendment is very simple, Sir. The Government have been pleased to give water facilities to the ryots. The water-supply may begin from this agricultural season (1953–54). The ryots in return pay irrigation cess. Suppose there is a plot of land which requires some reclamation, there will be no doubt that the said land could be made fit for cultivation only after a considerable amount of money is spent on it. If you ask the pattadar of that small plot of land to pay irrigation cess right from the time the water is let out, then it would mean considerable hardship to him, for the land would be made fit for cultivation only after a year or so. That is why I say let the small pattadars who own less than two acres be shown some concession."

(Mr. Speaker sounded the gong and called on the Minister to reply.)

The amendment was duly seconded.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" As I had already said, the ryots are anxious to get the water, they have agreed to our rates and Government are also going to let out water shortly. When this is the case I do not see any reason why the hon. Member has brought his amendment. Accepting his amendment would only mean leading to further fragmentation of holdings. Even small pattadars cultivate their lands intensely. They are very eager to get the water-supply for this agricultural season. Moreover the rates we have charged are quite reasonable. Therefore I oppose the amendment of the hon. Member."

11 a.m. MR. SPEAKER :—" The question is—

' *For* the words " at once " in sub-clause (3) of clause 1, *substitute* the words " during fasli 1364 after one successful crop, not binding on those pattadars who own two acres and less ".' "

The amendment was put and lost. Clause 1 was put and carried.

The Preamble was put and carried.

SRI S. VEMIAH :—" Sir, the Hon. Minister was telling us that my suggestion will lead to fragmentation. May I know what steps the Government have taken to avoid this fragmentation in this State? "

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" The Government are considering that. I now move—

' *That the Mettur Canal Irrigation Cess Bill*, 1953, *be passed into law*.' "

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MR. SPEAKER :—" The question is—

' That the Mettur Canal Irrigation Cess Bill, 1953, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(4) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, Sir, I beg to introduce the Madras Tenants and Ryots Protection (Amendment) Bill[a], 1953, and move—

' *That the Bill be taken into consideration at once.*'

Sir, the object of the Bill is to extend the protection afforded to the ryots for another one year. The original Act giving protection to the ryots had been extended once or twice before and now it expires in October 1953. We want the sanction of the Legislature to extend it by one more year, namely, up to October 1954. Sir, the point is this. Certain estates have not yet been taken over and there are certain other estates which are under stay. Therefore, if the Act expired now, the ryots will be put to great difficulties since the estate holders or inamdars may launch eviction proceedings. So, in order to protect the ryots from such eviction proceedings, the Government propose to extend the Act for a further period of one year."

SRI PILLALAMARRI VENKATESWARLU :—" Sir, I would like to know how many estates have yet to be taken over."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I cannot give the exact number. I can only say that there are some estates yet to be taken over."

" SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, the Hon. Minister when moving this extending bill referred to the question of some estates not yet having been taken over. But then I wish to remind the Hon. Minister in charge of this particular bill that in the operation of the Madras Tenants and Ryots Protection Act, as it is, there is some difficulty experienced by the ryots or tenants under the Malabar Tenancy Act. This Act applies not merely to estates but also to eviction suits and suits for sale of holdings under the Malabar Tenancy Act. Unfortunately, the Madras Tenants and Ryots Protection Act copies for its definitions certain expressions which have already been defined in the Malabar Tenancy Act. For instance, I may say that the definition of ' tenant ' in the Tenants and Ryots Protection Act is exactly the same as in the Malabar Tenancy Act. Experience has shown that a person who is actually cultivating is oftentimes not a tenant within the meaning of the Malabar Tenancy Act but a sub-tenant. He might be holding under an othidar or under holders of other tenures, those tenures having the complication of mortgages also.

[a] Published in the *Fort St. George Gazette*, dated 15th July 1953.